

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ORIGINAL

MARK BREAKIRON

VS.

Civil Action No. 2:00-cv-300

MARTIN HORN, Commissioner,  
PA Dept of Corrections, et al

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

United States of America  
Western District of Pennsylvania SS:

TO: U.S. Marshal, Western District of Pennsylvania  
Superintendent of the SCI Dallas, Dallas, PA

GREETING:

WHEREAS, the United States District Court for the Western District of Pennsylvania, on January 9, 2007 made an order permitting the issuance of this writ, now by virtue thereof,

WE COMMAND YOU, in the name and by authority aforesaid that  
JAMES FRANCIS SULLIVAN  
be under your custody detained by whatever name he/she may be charged, you have said person before the Judges of the District Court for the Western District of Pennsylvania, at the United States Post Office & Courthouse in the City of Pittsburgh, Pennsylvania, on February 1 and 2, 2007 at 9:00 a.m. as a very material and necessary witness at an evidentiary hearing in the above entitled case, or show cause why the said person cannot be produced.

When the said JAMES FRANCIS SULLIVAN is no longer needed as a witness before this Court, he/she shall be returned to the custody of the Superintendent of the SCI Dallas, Dallas, PA

AND have you then and there this Writ.

WITNESS, the Honorable Thomas M. Hardiman  
Judge of the United States District  
Court for the Western District of  
Pennsylvania this 10th day of January, 2007

*R.V. Gauth, Jr.*

Clerk of Court

RECEIVED  
U.S. MARSHAL  
2007 JAN 10 P 2:56  
PITTSBURGH, PA.

I hereby certify and return this writ in full for the in-named JAMES SULLIVAN on February 2, 2007. He was produced for said proceedings by PA state corrections officers and returned by them at the conclusion of the proceedings

Thomas M. Fitzgerald  
U.S. Marshal W/PA  
Deputy  
SDUSM W/PA

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK BREAKIRON,

Petitioner,

v.

MARTIN HORN, Commissioner,  
Pennsylvania Department of Corrections;  
CONNOR BLAINE, Superintendent of the  
State Correctional Institution at Greene, and  
JOSEPH P. MAZURKIEWICZ,  
Superintendent of the State Correctional  
Institution at Rockview,

Respondents.

CIVIL ACTION

No. 00 - 300

Judge Hardiman

**THIS IS A CAPITAL CASE.**

**ORDER FOR WRIT OF HABEAS AS TESTIFICANDUM**

AND NOW, this 9<sup>th</sup> day of January, 2007,

**IT IS ORDERED AND DIRECTED** that a writ of Habeas Corpus Ad Testificandum is hereby directed to the Superintendent of State Correctional Institution Dallas, Dallas Pennsylvania, or prison officials acting at his direction, and to the United States Marshal for the Western District of Pennsylvania, commanding them to have the body of **JAMES FRANCIS SULLIVAN**, Inmate # BT 9865, before this Court on Thursday and Friday, February 1 and 2, 2007 at 9:00 a.m. to testify as a fact witness at an evidentiary hearing in the above titled case and to remain in federal custody until completion of the evidentiary hearing.

**IT IS FURTHER ORDERED** that upon completion of the evidentiary hearing in the above-captioned case, **JAMES FRANCIS SULLIVAN**, Inmate # BT 9865, shall be returned to

ORIGINAL

the custody of the Superintendent of State Correctional Institution Dallas, Dallas Pennsylvania.

*Thos M. Hardiman*

Honorable Thomas M. Hardiman  
United States District Judge

1/10/07  
CLERK  
2 *all*  
Family Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COPY

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Thos M. Hardiman

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United States District Judge

1/10/07

2 (Hd)